IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN,J

W.P.NO.12061 and W.P.No.7983 OF 2006

DATED 09-06-2006

W.P.(SR)No.25120 of 2006

BETWEEN

Dr.M.Vijaya Kumar

.. PETITIONER

And

The Government of A.P. rep. by its Secretary,

Medical and Health Department,

Secretariat, Hyderbad and others. …RESPONDENTS

W.P.No.7983 of 2006

BETWEEN

Dr.P.Jayaramaiah

.. PETITIONER

And

The Government of A.P. rep. by its Secretary,

Medical and Health Department,

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THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN,J

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W.P.NO.12061 and W.P.No.7983 OF 2006

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COMMON ORDER:(per Sri BPR.J)

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In these two writ petitions, the petitioners seek to assail the orders passed by the Tribunal under Section 19 of the Tribunals Act directing the appellate authority to dispose of the appeals.

Before the Tribunal, challenge is made to the transfer orders passed against the petitioners. In support of their case, apart from raising several other grounds, the petitioners have also alleged mala fides against the authorities. During the pendency of the O.As, initially the Tribunal has granted status quo orders. However, subsequently, on the representation made by the counsel who was appearing before the Tribunal that the applicants have filed appeals before the appellate authority, the Tribunal disposed of the O.As directing the appellate authority to consider the appeals filed by the petitioners herein.

Learned counsel for the petitioners has field affidavits of the petitioners to show that

they have not instructed their counsel before the Tribunal in regard to filing of appeals and that in fact no such appeals were preferred by them before any authority against the orders of transfer.

Having heard the counsel on either side and also on perusing the record, especially in view of the statement made by the petitioners resiling from the statement made by their counsel before the Tribunal as regards the filing of the appeal, we deem it proper that the main case needs to be decided on merits rather than on any such grounds.

Accordingly, both the writ petitions are allowed. The impugned orders passed by the Tribunal are set aside. The Tribunal is directed to dispose of the main O.As' on merits after giving notice and opportunity of hearing to both the sides.

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B.PRAKASH RAO,J

Dated 09.6.2006

RAMESH RANGANATHAN,J

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